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from the USSR and the so-called "independent" satellites of Central Europe.

In contemporary circumstances it was not only difficult, as Senator Smith said, to rationalize Senate consent of this treaty, but it was also irrational to accept a pact which by substantive analysis would guarantee a clear, net psycho-political advantage to our prime enemy in Vietnam. The war in Vietnam would not last long if Moscow and its Red associates in Eastern Europe were, in the interest of genuine peace, to cut off their flow of critical war supplies to Hanoi. In this ultimate sense of sustaining power in the war, Moscow, rather than Hanoi, is our chief enemy in Vietnam. Well over 80 percent of the high-powered items used by the North Vietnamese totalitarians is furnished by Moscow. Even now, long-range Russian weapons, the 140-mm. rockets have been provided the Viet Cong to intensify the decimation of American lives.

"Subtle" rationalization in support of the treaty and the next step, liberalized trade with the USSR, had gone so far in Washington that it is being argued, "it is not to American advantage to have the flow of Russian aid to Hanoi reduced."<sup>14</sup> The twisted logic of this position is that Hanoi's greater dependence on USSR support as against Red Chinese aid would enable Moscow to influence its compatriot aggressors into peace negotiations. It is small wonder that letters to Senators from citizens across the nation, many of them with loved ones in the war, have ranged in the ratio of 200 to 1 against a treaty with the prime enemy. Senator Charles H. Percy of Illinois, who was elected to represent his alert constituents, actually boasted of defying a ratio of 7,000 to 46 in opposition to the pact.<sup>15</sup> Despite the feelings of many Republicans in the House of Representatives, this and similar actions in the Senate killed the possibility of making this episode an issue for Republicans in the 1968 Presidential election.<sup>16</sup> Only a 3rd Party candidate can make it a live issue.

Following the open, public hearings on the Consular Treaty, an obviously less "subtle" but further rationalization for Senate consent was the CIA's great desire to have the pact ratified. The new pitch to undecided Senators was the opportunity the treaty would provide for broadened CIA operations in the USSR. This so-called "confidential matter" changed the minds of several legislators as well as a few national leaders who had been previously against ratification. The rationalization only demonstrated how few really had bothered to seek convincing answers to poignant questions and points raised during the public hearings. Of course, a number were motivated to favor the treaty by political considerations far remote from its substantive contents, as next year's presidential elections, the open housing amendment, internal Party problems and the like.

The February hearings on the treaty established three general facts which should serve as solid lessons for America's alert citizenry in the future. As shown in the proceedings of the Senate's Committee on Foreign Relations, the three facts are: (1) the clear inability of the treaty's proponents to meet the most fundamental points of criticism against its ratification, (2) a patent lack of awareness concerning the psycho-political ramifications of the pact, and (3) as indicated by outmoded preconceptions used, a deficient and stumbling understanding of the Soviet Union itself, which, behind the facade of

"peaceful coexistence" is not only our prime enemy in Vietnam but also the chief instigator of anti-American attitudes and activity in Western Europe, the Middle East, Africa, and Latin America.<sup>17</sup> These easily substantiated facts cast grave doubts on the objective of "more friendly relations" that the treaty is supposed to advance.

One major objection is that the treaty is superfluous and represents a sham performance of improving relations with the Soviet Union. It is part of the present concocted make-believe in detenting the USSR. The objection is firmly based on the Roosevelt-Litvinov exchanges of 1933 that established diplomatic relations between the United States and the USSR. Aside from adventitious references made to a proposed consular convention then and an exemplifying German-USSR Agreement of 1925, Litvinov expressly agreed to the protection of American citizens touring or residing in the USSR in a November 18, 1933 communication. It reads: "Furthermore, I desire to state that such rights will be granted to American nationals immediately upon the establishment of relations between our two countries."

Predicated on the establishment of simple relations, this agreement was never legally abrogated and thus, in international law, has remained in force to the present day. Supreme Court decisions, such as *U.S. vs. Belmont* in 1937 and *U.S. vs. Pink* in 1942, as well as a case in New York, are founded on the exchanges. The so-called Russian concession on notification and access in the present treaty is really no concession at all. This right should have been demanded long ago on the basis of the '33 agreements. When this vital point was brought up in the hearings, the chairman, Senator J. W. Fulbright, rightly admitted—for the record shows it—that the State Department was never challenged on this. And this after two years of concern with the treaty! Yet, following the hearings the State Department minced the truth in response to the Committee's inquiry when it predicated the whole Litvinov exchange and declaration of protection on the German-USSR Agreement of 1925.<sup>18</sup> It is amazing that no one in the Senate challenged this stratagem.

Another important legal objection is based on the misrepresentations in the treaty itself, which are clearly indicative of the askewed preconceptions dominating our officials who framed the pact. The treaty is replete with the notion of a "Soviet national," "a national of the sending state," "the national flag of the sending state," and "the national coat-of-arms of the sending state." Even on the basis of the USSR Constitution, not to mention rudimentary political realities in the USSR, there is no such political animal in existence as a "Soviet national," nor are there such objects in existence as a "national flag" or a "national coat-of-arms" of the USSR. These concepts are applicable to the United States, which is a nation-state, but they are myths as concerns the USSR, which is an empire-state made up of numerous, different national republics.

In a court of law, a contract of this sort, dealing in part with mythical objects, would be thrown out for its crass misrepresentations. But worse still, from a psycho-political point of view, Moscow surely must gloat over the unbridged gap of understanding shown by our professed bridge-builders with regard to the many non-Russian nations in the USSR. On the one hand, it naturally welcomes this treaty and its fantastic conceptual contents, for by all evidence the

treaty is essentially a diplomatic affirmation of Moscow's imperium in imperio, the Soviet Union itself; on the other hand, it will unquestionably use the treaty in its dealings with the non-Russian nations as prime evidence of the fact that they have little to look forward to from a country that in one breath speaks of "friendship with all peoples" and in the next doesn't even recognize their distinctive national identities, which Moscow at least nominally does.

Aggravating all this further is the branch principle of consularism, the instrument that supposedly attests to the "national" integrity of the USSR. Regardless of the specious distinction made between the treaty as a body of guidelines and subsequent negotiations on consulate locations, the very proffer of this principle in regard to the multinational USSR reduces the non-Russian republics in that state to a territorial expression of "Russia," negates their distinctive national identities and sovereign popular wills, and creates an additional legal mess where in the United Nations our representatives recognize both *de jure* and *de facto* two original, sovereign Charter members, Soviet Ukraine and Soviet Byelorussia. Again, on this point the State Department played on the weakness of many a Senator with a high-pressure memorandum that blatantly raised the question "Does the Convention prejudice the position of subject peoples incorporated against their will into the Soviet Union?" and then glibly answered it, "No, it does not."<sup>19</sup>

Plainly, if more windows are desired in "Russia," if mutual understanding toward all peoples were a sincere objective, and if we had the foresight to avoid these and other psycho-political disadvantages of the treaty, we would wisely consider the realistic alternative of setting up embassies in Byelorussia, Ukraine, Georgia, and Kazakh' Turkistan. This is accommodated by Article 18a of the USSR constitution. It would also be a real test of Moscow's desire for peaceful relations. Moreover, on a reciprocal basis with their embassies in Washington, we would be able to cover their espionage and subversive political activity far more effectively than with "Russian" consulates in Chicago and other cities. It is noteworthy that the State Department has consistently opposed the far more advantageous embassy idea because of the presence of more communists here; yet, with the consulate idea, it would allow for more of them in more vulnerable areas of the country.

Significantly, none of these points and criticisms were challenged by the treaty's proponents. The amateur show staged by Senators Morton and Percy avoided these points entirely, confused "Russia" and the USSR with "the Soviets" throughout, and came up with some fantastic interpretations as, for example, Latin American states won't follow us because they haven't in the past, not recognizing that Moscow just began to exert pressure there in a major way in the past ten years.<sup>20</sup> Neither have they or other proponents answered the additional criticism bearing on the real protection of Americans traveling in the USSR. Superficially bandying about the 20,000 figure of Americans touring the USSR annually and the 250 "Soviet nationals" here measures neither the relative intelligence worth of the projected ratio nor the scope of the hoped-for protection. With greater freedom of movement here the specially assigned 250 may in these terms be equivalent or exceed in value the 20,000 there, most of them given to typical American tourism and guided, of course, by overseeing Intourist. Furthermore, it cannot

<sup>14</sup> *The Christian Science Monitor*, February 23, 1967.

<sup>15</sup> "Consular Pact Passes 1st Test," *The Evening Star*, March 10, 1967, p. A-5.

<sup>16</sup> Rep. John M. Ashbrook, "The Consular Convention With The Soviet Union—An Issue For The 1968 Presidential Campaign," *The Congressional Record*, January 26, 1967, p. H705.

<sup>17</sup> *Consular Convention With The Soviet Union*. Hearings, Committee On Foreign Relations, United States Senate, USGPO, Washington, D.C., 1967.

<sup>18</sup> See *Congressional Record*, March 10, 1967, p. S3550.

<sup>19</sup> "US-USSR Consular Convention, Questions and Answers," Department of State, February 6, 1967, p. 7.

<sup>20</sup> *Congressional Record*, March 9, 1967, pp. S3461-3465.